

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WHEEL CHOICE, LLC,

: Civil Action No. 20-cv-5629 (CS)

Plaintiff,

-against-

**PRELIMINARY  
INJUNCTION ORDER**

SAINTY GROUP (U.S.A.), INC.,  
JIANGSU SAINTY MACHINERY and,  
IMP. & EXP. CO. LTD, and CHOICE AUTO, INC.,

Defendants.

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WHEREAS, plaintiff Wheel Choice, LLC commenced the instant action alleging claims against defendants grounded in breach of contract, breach of warranty, negligent misrepresentation and injunctive relief, and simultaneously, moved the Court by way of Order to Show Cause seeking temporary and permanent injunctive relief to be issued against defendants pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining defendants Sainty Group (U.S.A.), Inc. ("Sainty"), Jiangsu Sainty Machinery and Imp. & Exp., Ltd. ("Jiangsu"), and Choice Auto, Inc. ("Choice Auto") from distributing and/or selling Alfina Luxury Wheels defectively manufactured by defendants, to any wholesaler, retailer and/or distributor of automotive tires;

WHEREAS, on July 24, 2020, the Court issued temporary injunctive relief in favor of plaintiff and against defendants Sainty, Jiangsu, and/or Choice Auto, enjoining and restraining defendants from distributing and/or selling Alfina Luxury Wheels defectively manufactured by defendants, to any wholesaler, retailer and/or distributor of automotive tires;

WHEREAS, on August 18, 2020, plaintiff filed an amended complaint to

include claims grounded in trademark dilution and deceptive acts and practices, and filed supplemental submissions in furtherance of obtaining preliminary and permanent injunctive relief in the above-captioned action;

WHEREAS, on August 19, 2020, the Court issued an Order directing plaintiff, to, amongst other things, supplement its prior submission of August 18, 2020, by on or before August 26, 2020;

WHEREAS, upon letter application by plaintiff, the Court extended the time by when plaintiff was to supplement its prior submission, from August 26, 2020, until August 27, 2020;

WHEREAS, on August 27, 2020, plaintiff timely filed its supplemental submission in furtherance of obtaining preliminary and permanent injunctive relief in the above-captioned action;

WHEREAS, on September 1, 2020, attorneys representing defendant Jiangsu forwarded correspondence to the Court requesting, amongst other things, leave to move the Court pursuant to Federal Rule of Civil Procedure under Rule 12(b);

WHEREAS, on September 2, 2020, the Court conducted a conference pursuant to the request of counsel to Jiangsu;

WHEREAS, upon conducting the conference, at which plaintiff and only defendant Jiangsu appeared, a resolution on plaintiff's Order to Show Cause concerning defendant Jiangsu and a resolution as to any purported *in personam* jurisdictional defenses raised by Jiangsu was had between plaintiff and Jiangsu, said resolution to be memorialized in a Stipulation to and to be "So Ordered" by this Court;

WHEREAS, for the reasons stated on the record at the conference, the

Court finds that, plaintiff Wheel Choice has demonstrated its entitlement to injunctive relief as against defendants Sainty and Choice Auto by finding that plaintiff Wheel Choice has demonstrated: (a) irreparable harm, (b) a likelihood of success on the merits, (c) the balancing of the equities tips in favor of plaintiff and, (d) the public interest would not be disserved by the issuance of a preliminary injunction;

**SUFFICIENT CAUSE BEING HEREBY SHOWN,** it is hereby

**ORDERED,** that pending the final determination of this action,

defendants Sainty and Choice Auto and all those acting on their behalf, are preliminarily enjoined and restrained from distributing and/or selling Alfina Luxury Wheels defectively manufactured by defendants and which are the subject of this action, to any wholesaler, retailer and/or distributor of automotive tires, and are otherwise enjoined and restrained from knowingly instructing, aiding or abetting any other person or business entity in engaging in any of the aforementioned activities referred to in this paragraph; and, it is further

**ORDERED,** that service of this Order may be made upon defendant Sainty to the e-mail address xumeng@sumex.com.cn, and upon Choice Auto to the e-mail address matthewchoy@ymail.com, and such service shall be deemed effective; and it is further

**ORDERED,** that defendants Sainty and Choice Auto are hereby given notice that they may be deemed to have actual notice of the terms of this Order and any act by them or anyone of them in violation of this Order may be considered and prosecuted as in contempt of Court; and it is further,

**ORDERED**, that this Order shall remain in effect during the pendency of this action, or until further Order of this Court.

SO ORDERED

Dated: September 9, 2020  
White Plains, New York



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CATHY SEIBEL  
UNITED STATES DISTRICT COURT JUDGE